

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 19, 2010**

**DIVISION TWO**

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman,  
Deputy Clerk.

Each of the following:

B221464 DCFS v. Kimberly V., et al.  
B216394 People v. Maldonado  
B219874 DCFS v. Anita A.  
B218843 People v. James Y.  
B217680 People v. Barnes  
B221444 DCFS v. Rayshell L.  
B216775 People v. Hiles  
B218816 Gutierrez v. Countrywide Home  
B218429 People v. Ramirez  
B216073 People v. Aguilar  
B217385 People v. Perez

Argument waived, cause submitted.

B220941     Los Angeles County, D.C.F.S.  
              v.  
              Robert S., Sr.

Merits:

Argued by Roni Keller for appellant and by Jacklyn Louie for respondent.  
Cause submitted.

DIVISION TWO (continued)

B217147      Wells Fargo Bank  
                 v.  
                 GMAC Mortgage USA Corp.

Merits:  
Argued by James Treadwell for appellant. Oral argument waived for respondent. Cause submitted.

B224284      Prince, et al.  
                 v.  
                 Superior Court, Los Angeles County  
                 (Thompson Building Materials, et al.)

Merits:  
Argued by James Whitcome for petitioners and Michael Dawe for real party in interest. Cause submitted.

B216295      Beta Healthcare Group Risk Mangement Authority  
                 v.  
                 Norcal Mutual Insurance Company

Merits:  
Argued by George Murphy for appellant and by Gregory Scher for respondent. Cause submitted.

B217315      Joe et al.  
                 v.  
                 Gas America Auto Services Inc.

Merits:  
Argued by Sherwin Edelberg for appellant and by Robert Driskell for respondents. Cause submitted.

DIVISION TWO (continued)

B215232      Citizens of Humanity LLC  
                 v.  
                 Caitac International Inc.

Merits:

Argued by Jefferey McFarland for appellant and by John Schwimmer for respondent. Cause submitted.

Boren, P.J. leaves bench.

B213984      Olivo  
                 v.  
                 City of Vernon

Merits:

Argued by Eduardo Olivo for appellant and by Colleen Smith for respondent. Cause submitted.

Court in recess.

Court reconvened at 1:00 p.m.

Present: Doi Todd, Acting P.J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman, Deputy Clerk.

B217614      Johnston  
                 v.  
                 City of Santa Monica

Merits:

Argued by Leo Terrell for appellant and by Lance Gams for respondent. Cause submitted.

DIVISION TWO (continued)

B212580     People  
              v.  
              Wong

Merits:

Argued by Jonathan Milberg for appellant and by Michael Keller, Deputy Attorney General for respondent. Cause submitted.

B218691     Wendell  
              v.  
              Del Amo Fashion Center Operating Co.

Merits:

Argued by David Brown for appellant and by Rosaline Ayoub for respondent. Cause submitted.

B211186     People  
              v.  
              Buford and Ward

Merits:

Argued by Neil Rosenbaum and Verna Wefald for appellants and by Susan Kim, Deputy Attorney General for respondent. Cause submitted.

B218133     Mariscal  
              v.  
              Employee Relations Board for City of Los Angeles  
              Service Employees International Union Local 721

Merits:

Argued by Dan Mariscal for appellant and Alan Crowley for real party in interest. No appearance on behalf of respondent Employee Relation Board for the City of Los Angeles. Cause submitted.

Court adjourned.

July 19, 2010 (Continued)

## DIVISION TWO (continued)

B218817      Lance  
v.  
Lance

Filed order denying petition for rehearing.

DIVISION THREE

B214200      People                                  (Certified for Publication)  
v.  
Gary Glazier

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

DIVISION FOUR

B218726      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
A.R., et al.

The orders are affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Suzukawa, J.

## DIVISION FOUR (continued)

B219900      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
V.G.

The order terminating father's parental rights is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.  
Suzukawa, J.

B216988      People                          (Not for Publication)  
v.  
Perez

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The order for reimbursement of attorney fees is reversed. The judgment is affirmed in all other respects. The matter is remanded to the trial court for proceedings in conformity with section 987.8.

Epstein, P.J.

We concur: Manella, J.  
Suzukawa, J.

B214725      People                                  (Not for Publication)  
v.  
Stephens, et al.

The judgment as to appellant Turner is affirmed. With respect to appellant Stephens, we direct the clerk of the superior court to correct the abstract of judgment as discussed in this opinion. The judgment, as corrected, is affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Manella, J.

DIVISION FOUR (continued)

B196639      Hub City Solid Waste Services, Inc., et al.      (Not for Publication)  
                 v.  
                 City of Compton

The judgment is affirmed. Compton to have its costs on appeal.

Epstein, P.J.

We concur: Willhite, J.  
                 Suzukawa, J.

B221002      Das  
                 v.  
                 Bank of America

Filed order denying petition for rehearing.

B218588      Yoonessi  
                 v.  
                 Yaroslavsky, et al.

Filed order denying petition for rehearing.

B216149      People  
                 v.  
                 Eusebio

Filed order modifying opinion. Petitions for rehearing are denied. (Change in judgment)

July 19, 2010 (Continued)

## DIVISION FIVE

B216791 People (Not for Publication)  
v.  
Ruvalcaba

The judgment is affirmed.

Mosk, J.

We concur:   Armstrong, Acting P.J.  
                      Kriegler, J.

[illegible]

The trial court's order denying defendant's request for relief is affirmed.

Mosk, J.

We concur:   Turner, P.J.  
                      Kriegler, J.

B217411      People      (Not for Publication)  
v.  
Watkins

The judgment is affirmed. The minute order and abstract of judgment are to be modified so as not to reflect the sentence including a three-year violent felony enhancement pursuant to section 667.5, subdivision (a).

Mosk, J.

We concur:   Armstrong, Acting P.J.  
                      Kriegler, J.



## July 19, 2010 (Continued)

## DIVISION FIVE (continued)

B219849 People (Not for Publication)  
v.  
Prevedello

The trial court's orders on remand from which defendant appeals are affirmed.

Mosk, J.

We concur:   Turner, P.J.  
                      Kriegler, J.

B218697 People (Not for Publication)  
v.  
Edwin A.

Wardship order affirmed.

Turner, P.J.

We concur: Mosk, J.  
Kriegler, J.

[illegible]

The judgment is affirmed.

Kriegler, J.

We concur:   Turner, P.J.  
                      Mosk, J.

July 19, 2010 (Continued)

## DIVISION FIVE (continued)

[illegible]

The clerk is directed to correct the maximum term of confinement to be 12 years 2 months. As corrected, the judgment is affirmed.

Kriegler, J.

We concur:   Turner, P.J.  
                      Mosk, J.

B211466      St. Monica Development Company, et al.      (Not for Publication)  
v.  
Richard G. Polanco

The judgment is reversed and remanded for further proceedings. Appellants, The Crane Group, Inc., St. Monica Development Company, LLC, and Jonathan Stein are to recover their costs on appeal from Respondent, Richard G. Polanco.

Ferns, J. (Assigned)

We concur:   Armstrong, Acting P.J.  
                      Kriegler, J.

## DIVISION SIX

[illegible]

The dispositional order of the juvenile court committing appellant to the DJJ is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

## July 19, 2010 (Continued)

## DIVISION SIX (continued)

B223575 Kimberly S. (Not for Publication)  
v.  
San Luis Obispo Superior Court  
(San Luis Obispo Department of Social Services)

We deny the petition for extraordinary writ.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

B220758      People                                  (Not for Publication)  
v.  
John Adam Young

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

B220545      People      (Not for Publication)  
v.  
Francisco Jovel Hernandez

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

July 19, 2010 (Continued)

## DIVISION SIX (continued)

B220695      People      (Not for Publication)  
v.  
Joseph Brian Morales, et al.

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

B221695      People                                  (Not for Publication)  
v.  
David Manning, Jr.

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

B221874 People (Not for Publication)  
v.  
Rodney Davis

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

July 19, 2010 (Continued)

## DIVISION SIX (continued)

B214881      People  
v.  
Gordy

(Not for Publication)

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

B216359 People (Not for Publication)  
v.  
Ortega

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.  
Perren, J.

B218720      Century 21 Butler Realty, Inc.  
v.  
Dennell

Filed order denying petition for rehearing.

## DIVISION SEVEN

B214463 Holmes (Not for Publication)  
v.  
Lath et al.,

The trial court's denial of Holmes' motion to vacate the arbitration award and subsequent judgment of dismissal as to appellant Martel are affirmed. Martel is awarded her costs on appeal.

Zelon, J.

We concur: Woods, Acting P.J.  
Jackson, J.

B213863      Goldman      (Not for Publication)  
v.  
Goldman

We reverse the order reducing support. On remand, the trial court is directed to reinstate the previous spousal support provisions. Appellant shall recover her costs on appeal.

Zelon, J.

We concur: Woods, Acting P.J.  
Jackson, J.

B209833      KMart Corporation      (Not for Publication)  
v.  
Lewis Brisbois Bisgaard & Smith LLP, et al.

The trial court's order denying LBBS's motion to strike pursuant to Section 425.16 is affirmed. Respondents are awarded their costs on appeal.

Zelon, J.

We concur: Perluss, P.J.  
Woods, J.

DIVISION SEVEN (continued)

B220367      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Richard N.

The juvenile court's jurisdiction and disposition orders are affirmed.

Zelon, J.

We concur: Perluss, P.J.  
Woods, J.

B211207 People (Not for Publication)  
v.  
Flores, et al.

As to Pedro Aguilar the judgment is reversed, and the matter is remanded for a new trial consistent with the views expressed in this opinion. As to Bryan Sanchez the judgment is reversed as to count 3 only, and the matter remanded for a new trial on that count consistent with the views expressed in this opinion; in all other respects the judgment is affirmed. As to Edgar Javier Flores the judgment is modified to reflect the 15-year minimum parole eligibility terms (section 186.22, subd. (b)(5)) imposed as to counts 1 and 2 are stayed; in all other respects the judgment is affirmed. As to Rafael R. Fuentes and Jasmin Rossier the judgments are affirmed.

The abstracts of judgment for Flores and Rossier are ordered corrected (1) to indicate as to Flores the 15-year minimum parole eligibility terms on counts 1 and 2 are stayed; and (2) to reflect as to Flores and Rossier that the liability for direct victim restitution is joint and several with the obligation of each other and of Fuentes and Sanchez. The superior court is directed to prepare corrected abstracts of judgment and to forward them to the Department of Corrections and Rehabilitation.

Perluss, P.J.

We concur: Woods, J.  
Zelon, J.

July 19, 2010 (Continued)

DIVISION SEVEN (continued)

Each of the following:

B212219 People v. Hernandez

B214481 Kenton Koszdin, et al. v. State Compensation Insurance Fund, et al.

B216130 Amber Morgan v. United Retail Incorporation

Filed order denying petition for rehearing.

B216130      Amber Morgan

v.

United Retail Incorporated

Filed order certifying opinion for publication.